

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/038,866	LUNEAU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gerald Gauthier	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11/21/2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. **Claims 1-7, 10-12, 15, 17-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf (US 5,875,232) in view of Tate (US 6,509,833).

Regarding **claim 1**, Wolf discloses a personalized voice mail identification system (column 1, lines 9-12), (which reads on claimed "a data communication method for use in a telephone network having a caller identification feature"), wherein the caller-identification feature communicates data (column 3, line 45 "caller's message") to a called party (column 3, line 43 "the subscriber") that includes data corresponding to a telephone number of a calling party (column 3, line 12 "callerID codes"), the method comprising:

identifying a message recipient (column 3, line 43 "the subscriber") having a message recipient telephone number (column 3, line 43 "the subscriber") on the telephone network (column 3, lines 33-49) [It is inherent to dial the subscriber telephone number to call the subscriber such has the system would identify the recipient];

selecting a message (column 3, line 58 "a message") for the message recipient (column 3, lines 50-60) [The message is selected when the subscriber wants to retrieve his messages].

Wolf fails to disclose providing a message code corresponding to the selected message and setting up a non-associated telephone call to the recipient telephone number.

However, Tate teaches providing a message code (column 8, line 11 "911-provider") corresponding to the selected message, wherein the message code is in the format of a telephone number (column 8, lines 8-22) [The warning alert system provides a 911 alarm message which is a telephone number and a message code];

setting up a non-associated telephone call (column 8, line 48 "sends a warning alert") to the recipient telephone number from a simulated calling party (11 on FIG. 1) having the same telephone number as the message code, such that the telephone network uses the caller-identification feature to communicate data (column 8, line 48 "a warning alert") corresponding to the message code to the recipient telephone number (column 8, lines 41-53) [The controller sends a warning alert directly to the selected subscribers communications devices];

receiving the data corresponding to the message code at the recipient telephone number (column 8, lines 54-65) [The subscriber receives the warning alert and can send a data message confirming the receipt of the alert message].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the central switch of Tate in the invention of Wolf.

The modification of the invention would offer the capability of a message code corresponding to the selected message and setting up a non-associated telephone call to the recipient telephone number such as the system would have a central switch distributing the alert to warn the subscribers.

Regarding **claim 2**, Tate teaches the step of converting the received data corresponding to the message code (column 6, lines 43-54).

Regarding **claim 3**, Tate teaches wherein the received data corresponding to the message code is converted to the message for the message recipient (column 6, lines 43-54).

Regarding **claim 4**, Wolf discloses the step of displaying the message as text (column 1, lines 44-57).

Regarding **claim 5**, Wolf discloses the step of audibly announcing the message (column 2, lines 21-32).

Regarding **claim 6**, Wolf discloses wherein the message is audibly announced over a speaker other than a speaker in a telephone handset (column 2, lines 21-32).

Regarding **claim 7**, Wolf discloses wherein the message is audibly announced over a speaker in a telephone handset (column 2, lines 21-32).

Regarding **claim 10**, Wolf discloses wherein the telephone network is the North American telephone network (column 3, lines 50-60).

Regarding **claim 11**, Wolf discloses wherein the caller-identification feature is Caller ID (column 3, lines 6-12).

Regarding **claim 12**, Wolf discloses wherein the data communicated to a called party by the Caller ID feature is the Incoming Caller Line Identification signal (column 3, lines 6-12).

Regarding **claim 15**, Wolf discloses wherein the caller-identification feature communicates data on a common channel interoffice signaling system (column 3, lines 6-12).

Regarding **claim 17**, Tate teaches the step of identifying plural message recipients, each having a respective message recipient telephone number (column 6, lines 43-54).

Regarding **claim 18**, Tate teaches wherein the recipients are identified on the basis of geographical location (column 5, lines 49-66).

Regarding **claim 19**, Tate teaches wherein the same message is selected for each of the plural recipients (column 6, lines 43-54).

Regarding **claim 20**, Tate teaches wherein the message is an emergency notification message (column 8, lines 8-22).

Regarding **claim 21**, Tate teaches the step of causing a telephone associated with the message recipient telephone number to provide a distinctive ring when data corresponding to a message code is received at the recipient telephone number (column 6, lines 13-28).

Regarding **claim 22**, Tate teaches wherein the message is an emergency notification message (column 8, lines 8-22).

4. **Claims 8 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf in view of Tate and in further view of Tatchell et al. (US 5,905,774).

Regarding **claim 8**, Wolf and Tate as applied to **claim 7** differ from **claim 8**, in that it fails to disclose the telephone handset is corded.

However, Tatchell teaches wherein the telephone handset is corded (17 on FIG. 1).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the telephone handset is corded of Tatchell in the invention of Wolf and Tatchell.

The modification of the invention would offer the capability of the telephone handset is corded such as the system would enhance the telephone services.

Regarding **claim 16**, Tatchell teaches wherein the caller-identification feature communicates data on the signaling system 7 common channel interoffice signaling system (column 6, lines 26-34).

5. **Claims 9 and 13-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf in view of Tate and in further view of Suder et al. (US 6,067,349).

Regarding **claim 9**, Wolf and Tate as applied to **claim 7** differ from **claim 9**, in that it fails to disclose the telephone handset is cordless.

However, Suder teaches wherein the telephone handset is cordless (column 4, lines 61-65).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the telephone handset is cordless of Suder in the invention of Wolf and Tate.

The modification of the invention would offer the capability of the telephone handset is cordless such as the system would enhance the capabilities of a voice processing.

Regarding **claim 13**, Suder teaches wherein the format of the telephone number includes a three-digit area code and a seven-digit number (column 8, lines 36-60).

Regarding **claim 14**, Suder discloses wherein the message code is a ten-digit number (column 8, lines 36-60).

***Response to Arguments***

6. Applicant's arguments with respect to **claims 1-22** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bellin is cited for a pager-based communications system (FIG. 1).

Zellner et al. is cited for a multimedia emergency services (FIG. 3).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4800.

*Gerald Gauthier*  
g.g.  
January 29, 2004

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